

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION
Electronically Filed

**OHIO VALLEY ENVIRONMENTAL
COALITION; WEST VIRGINIA
HIGHLANDS CONSERVANCY;
APPALACHIAN VOICES; AND
SIERRA CLUB**

PLAINTIFFS,

V.

CIVIL ACTION NO. 3:19-CV-00573

LEXINGTON COAL COMPANY, LLC

DEFENDANT.

**DEFENDANT LEXINGTON COAL COMPANY, LLC'S
STATUS REPORT**

Defendant Lexington Coal Company, LLC ("Lexington"), by and thru counsel provides the following Status Report to apprise the Court of Lexington's efforts to bring the subject surface mining sites into compliance with the Court's prior Orders, as follows:

1. Lexington ceased its active mining activities on the subject sites approximately 12 months ago and begin performing final reclamation activities. Reclamation activities continue on the sites in preparation of applying for partial bond release from the West Virginia Department of Environmental Protection ("WVDEP") once final backfilling and grading and revegetation of the disturbed areas are completed.
2. The Biochemical Reactor System approved as a part of Permit WV 1020579 for Outlet No. 031 is nearing completion and will be activated upon completion to address selenium issues at Outlet 031.

3. The Biochemical Reactor System approved as a part of Permit WV 1016288 for Outlet No. 019 is completed and is being activated to address selenium issues at Outlet 019.

4. Lexington believes that the continuation of final reclamation at the sites and the establishment of final vegetation will result in a continued improvement of the water quality discharges from the sites in relation to the ionic pollution standards. Lexington is currently working with additional experts in water quality compliance to look at additional measures that can be implemented at the sites to bring the sites into compliance with ionic pollution standards.

Respectfully submitted,

/s/ Billy R. Shelton
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CERTIFICATE OF SERVICE

I hereby certify that on August 15, 2022, a true and correct copy of the foregoing was electronically filed via the CM/ECF system, which will send notification of such filing to all parties receiving ECF notices in this matter, including the following:

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